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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

12 JEFFREY WILENS, on behalf of) Case No. SACV 15-1139 JVS (ASx)
13 himself and all persons similarly)
14 situated,) Hon. James V. Selna
15 Plaintiffs,)
16 vs.) CLASS ACTION
17 Defendants)
18)
19)
20 HEART SAVERS, LLC and DOES 1) APPLICATION FOR DISMISSAL
21 through 100 inclusive,) OF INDIVIDUAL CLAIMS OF
22) PLAINTIFF JEFFREY WILENS
23) WITH PREJUDICE AND CLASS
24) CLAIMS WITHOUT PREJUDICE

25 WHEREAS the Defendant presented evidence that it lacks sufficient assets to
26 pay a settlement of greater than \$10,000 which is inadequate to satisfy the class
27 claims.

28 WHEREAS the Parties entered into an individual settlement agreement
29 wherein Defendant will pay Plaintiff \$10,000 to settle his individual claims and the
30 individual claims of the Plaintiff will be dismissed with prejudice and the Class
31 Claims will be dismissed without prejudice;

WHEREAS Plaintiff filed a Motion for Approval of Individual Settlement. (Docket No. 32);

WHEREAS the Court issued a tentative ruling denying Plaintiff's Motion for Approval of Individual Settlement because Court approval of the individual settlement is not necessary and directed Notice of the settlement be provided to the class members as proposed in Docket No. 32 at 6-7. (See Tentative Ruling on Motion for Approval of Individual Settlement);

WHEREAS the Parties submitted on the Court's tentative ruling,

WHEREAS the Court Denied Plaintiff's Motion and ruled in accordance with the tentative ruling and set a further Status Conference for March 19, 2018 at 10:00 a.m. which would be vacated if a stipulation/application for dismissal of Plaintiff's individual claims with prejudice and dismissal of the Class claims without prejudice is submitted to the Court prior to the hearing date. (Docket No. 34)

WHEREAS the Notice to the Class set forth in Docket No. 32 at 6-7 has been completed and Defendant has paid the settlement consideration;

THEREFORE Plaintiff hereby respectfully requests the Court enter an Order dismissing the claims of plaintiff Jeffrey Wilens with prejudice and dismissing the claims of the class members without prejudice. A proposed Order is filed concurrently herewith.

Dated: March 14, 2018

THE SPENCER LAW FIRM

By: /S/ Jeffrey Spencer
Jeffrey Spencer